

# Notice of Allowability

Application No.

09/863,108

Examiner

Julian Mercado

Applicant(s)

ENOMOTO ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to june 14, 2004.
2. ☒ The allowed claim(s) is/are 2,3,5,6,9,10,12-16 and 54-84.
3. ☒ The drawings filed on 22 May 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Remarks***

This Office action is responsive to applicant's amendment filed June 14, 2004.

Claims 2, 3, 5, 6, 9, 10, 12-16 and 54-84 are pending, of which claims 64-84 are newly submitted.

### ***Claim Rejections - 35 USC § 102 and 103***

The rejection of claims 5 and 54 under 35 U.S.C. 102(b) and the rejection of claims 2 and 3 under 35 U.S.C. 103(a) based on Teramoto et al. (U.S. Pat. 5,501,916) have been withdrawn.

The rejection of claims 2, 3, 5, 6 and 54 under 35 U.S.C. 103(a) based on JP 10-162801 and (U.S. Pat. 5,474,752) has been withdrawn.

### ***Allowable Subject Matter***

Claims 9, 10, 12-16 and 55- 63 are allowed for the reasons already of record.

Claims 2, 3, 5, 6 and 54 are allowed, of which claim 54 is the independent claim. Claim 54 has been amended to further recite that the entirety of the external terminal member is shielded from or not in contact with the interior of the cell, with the entirety of the internal terminal member being shielded from or not in contact with the exterior of the cell case, with the internal terminal member directly contacting the external terminal member. This feature is best shown by Figure 6 of the present application, wherein the external terminal [26D] and internal terminal [11D] reside in their respective sides of the

Art Unit: 1745

cell casing and are directly contacting. This feature distinguishes over Teramoto et al., wherein Figures 6 and 7 shows that the external terminal member [21, 26] is not directly contacting the internal terminal member [7]. JP 10-162801 does not teach or suggest this feature in that the terminal [2] is a single unitary structure with portions in contact with both the exterior and interior of the cell casing. Claims 2, 3, 5 and 6 are allowed as being dependent upon claim 54.

New claims 64-84 are allowed, of which claims 64, 65 and 66 are in independent form. Claims 64, 65 and 66 are notably modeled after allowed claims 55, 56, and 54, respectively, with the exception of the added feature of at least one electrode cap sealing at least one end of the cell case. Claims 64, 65 and 66 are allowed for the same reasons set forth for claims 55, 56, and 54, respectively. Claims 67-73 are allowed as being dependent upon claim 64, claims 74-80 are allowed as being dependent upon claim 65, and claims 81-84 are allowed as being dependent upon claim 66.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 1745

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Patrick Ryan  
Supervisory Patent Examiner  
Technology Center 1700